

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
SEATTLE DIVISION

Case No. 2:21-cv-01670

**JOINT STIPULATION OF  
DISMISSAL WITH PREJUDICE**

NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA, ROYAL  
& SUN ALLIANCE INSURANCE  
COMPANY OF CANADA, STATE  
NATIONAL INSURANCE COMPANY,  
LIBERTY MUTUAL INSURANCE  
COMPANY, ACE AMERICAN  
INSURANCE COMPANY, SOVEREIGN  
GENERAL INSURANCE COMPANY,  
ARCH INSURANCE (UK) LIMITED, AND  
CERTAIN UNDERWRITERS AT LLOYD'S  
OF LONDON SUBSCRIBING TO POLICY  
NO.'S ENSAM1900387, ENSAM1900206,  
ENSAM1900393, AND ENSAM1900398, *as*  
*subrogees of Petrogas Energy Corp. and its*  
*related entities*, and PETROGAS ENERGY  
CORP.,

Plaintiffs,

v.

M/T LEVANT, *in rem*; AVANCE LEVANT,  
LTD c/o AVANCE GAS, LTD, EXMAR  
SHIP MANAGEMENT NV, M/T LINDSEY  
FOSS, *in rem*, M/T GARTH FOSS, *in rem*,  
and FOSS MARITIME CO.,

Defendants.

M/T LEVANT, *in rem*; AVANCE LEVANT,  
LTD and EXMAR SHIP MANAGEMENT  
NV,

STIPULATION AND ORDER FOR DISMISSAL WITH  
PREJUDICE:CASE NO. 2:21-CV-01670 - 1

1 Third-Party Plaintiffs.

2 v.

3 BRIAN HENSHAW, an individual,

4 Third-Party Defendant

5  
6 Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the Plaintiffs,  
7 NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, ROYAL &  
8 SUN ALLIANCE INSURANCE COMPANY OF CANADA, STATE NATIONAL  
9 INSURANCE COMPANY, LIBERTY MUTUAL INSURANCE COMPANY, ACE  
10 AMERICAN INSURANCE COMPANY, SOVEREIGN GENERAL INSURANCE  
11 COMPANY, ARCH INSURANCE (UK) LIMITED, AND CERTAIN UNDERWRITERS AT  
12 LLOYD'S OF LONDON SUBSCRIBING TO POLICY NO.'S ENSAM1900387,  
13 ENSAM1900206, ENSAM1900393, and ENSAM1900398, as subrogees of Petrogas Energy  
14 Corp. and its related entities, and PETROGAS ENERGY CORP. (hereinafter the "Plaintiffs"),  
15 Defendants, M/T Levant, *in rem* Avance Levant, LTD c/o Avance Gas, LTD., and Exmar Ship  
16 Management, NV (hereinafter the "Vessel Interests"), and Third-Party Defendant, Brian  
17 Henshaw ("Henshaw") (collectively, Plaintiffs, Vessel Interests, and Henshaw are referred to  
18 as "Parties" as stated herein) jointly stipulate and agree that all claims brought by Plaintiffs  
19 against the Vessels Interests in the above-captioned manner are dismissed, with prejudice, on  
20 the basis that all such claims have been fully compromised and settled, with all Parties to bear  
21 their own costs.

22 The Court shall retain jurisdiction of this action, specifically the Vessel Interests'  
23 third-party claim against Third-Party Defendant, Henshaw, and for purposes of enforcing the  
24 Parties' settlement agreement. This Joint Stipulation of Dismissal with Prejudice addresses  
25 only claims asserted in this action by Plaintiffs against the Vessel Interests; it does not affect  
26 the Vessel Interests' third-party claim against Third-Party Defendant, Henshaw.

STIPULATION AND ORDER FOR DISMISSAL WITH  
PREJUDICE:CASE NO. 2:21-CV-01670 - 2

DATED this 23<sup>rd</sup> day of February, 2023.



RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE

Stipulated and agreed to by:

<p><u>/s/ Christopher W. Nicoll (With Consent)</u>  Christopher W. Nicoll  Elizabeth A. Strunk  <b>Nicoll Black &amp; Feig, PLLC</b>  1325 Fourth Ave., Suite 1650  Seattle, WA 98101  T: 206-838-7555  <a href="mailto:cnicoll@nicollblack.com">cnicoll@nicollblack.com</a>  <a href="mailto:estrunk@nicollblack.com">estrunk@nicollblack.com</a>  Attorneys for Defendants and Third-Party  Plaintiffs M/T Levant, in rem Avanc  Levant, LTD c/o Avance Gas, LTD., and  Exmar Ship Management, NV</p>	<p><u>/s/ Brandon T. Brown</u>  *Alyssa J. Endelman  *Brandon T. Brown  <b>DENENBERG TUFFLEY, PLLC</b>  * Admitted Pro Hac Vice  28411 Northwestern Hwy., Suite 600  Southfield, MI 48034  T: 248-549-3900  F: 248-593-5808  <a href="mailto:aendelman@dt-law.com">aendelman@dt-law.com</a>  <a href="mailto:bbrown@dt-law.com">bbrown@dt-law.com</a>  Attorneys for Plaintiffs</p>
<p><u>s/Thomas G. Waller (With Consent)</u>  Thomas G. Waller  Meliha Jusupovic  Donald K. McLean  Bauer Moynihan &amp; Johnson LLP  2101 Fourth Ave.  Suite 2400  Seattle, WA 98121  <a href="mailto:tgwaller@bmjlaw.com">tgwaller@bmjlaw.com</a>  <a href="mailto:dkmclean@bmjlaw.com">dkmclean@bmjlaw.com</a>  <a href="mailto:mjusupovic@bmjlaw.com">mjusupovic@bmjlaw.com</a>  (206) 443-3400  Attorneys for Third Party Defendant  Brian Henshaw</p>	<p><u>s/Adil A. Siddiki (With Consent)</u>  Adil A. Siddiki (WA Bar No. 37492)  <b>Law Office of James R. Vaughan, P.C.</b>  Phone: 206.935.8077 ext 4539  Toll Free: 1.866.833.9411 Fax:  206.935.8184  1416 NW 46th St., Ste 105-436  Seattle, WA 98107  <a href="mailto:adil@recoveryatty.com">adil@recoveryatty.com</a>  Attorneys for Plaintiffs</p>

STIPULATION AND ORDER FOR DISMISSAL WITH  
PREJUDICE:CASE NO. 2:21-CV-01670 - 3